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9-8-93

UNITED STATES DEPARTMENT OF THE INTERIOR
Office of Surface Mining
Reclamation and Enforcement
TEN-DAY NOTICE

Originating Office: USDI/OSM
Albuquerque Field Office
505 Marquette Ave, NW, Suite 1200

Albuquerque, NM 87102

Telephone Number: (505) 766-1486

Number: X - 93 - 02 - 116 - 001 TV 1

Ten-Day Notice to the State of UTAH

You are notified that, as a result of a Citizen's Complaint (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.

Permittee: See continuation page
(Or Operator if No Permit)

County:

☐ Surface

Mailing Address:

☒ Underground

Permit Number:

DIVISION OF
OIL, GAS & MINING

☐ Other

NATURE OF VIOLATION AND LOCATION: This TDN transmits the enclosed Citizen Complaint from Walton D. Morris, Jr., to the Office of Surface Mining (OSM).

As a result of the complaint, OSM has reason to believe that Coastal States

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: Energy Company, and Consolidation Coal Company, and their affiliates have failed to disclose presumed ownership or control relationships with Virginia Iron Coal and Coke; and Island

Section of State Law, Regulation or Permit
Condition believed to have been violated:

NATURE OF VIOLATION AND LOCATION: Creek Coal Company respectively. We believe that this failure to disclose ownership and control relationships is a violation of Utah's approved program. Therefore, we are issuing

Section of State Law, Regulation or Permit
Condition believed to have been violated:

Remarks or Recommendations: See continuation page for companies/permits affected.

P 079 749 565, 9/3/93

P 079 749 492, 9/3/93

Date of Notice: SEPT. 3, 1993

P 079 749 497, 9/3/93

P 079 749 566, 9/3/93

Signature of Authorized Rep.: Henry P. Austin

Print Name and ID: Henry P. Austin, #116

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement TEN-DAY NOTICE (Continuation Sheet)		Originating Office: USDI/OSM Albuquerque Field Office 505 Marquette, NW Suite 1200 Albuquerque, NM 87102 Telephone Number: (505) 766-1486	
Number X- 93 - 02 - 116 001 TV 1			
Ten-Day Notice to the State of <u>UTAH</u>			
NATURE OF VIOLATION AND LOCATION: <u>TDN 93-02-116-001, as stated above.</u>			
<u>Coastal States Energy Company/Sevier County / Carbon CO, % Mr. V. Mortensen,</u> <u>175 East 400 South, Suite 800, Salt Lake City, UT 84111</u>			
		Section of State Law, Regulation or Permit R-645-100-200 Condition believed to have been violated: R-645-301-112	
NATURE OF VIOLATION AND LOCATION: <u>Permit Nos. ACT/041/002 & ACT/007/005</u> <u>R-645-301-113</u> <u>Consolidated Coal Company, P.O. Box 527, Emery, UT 84522; Permit No.</u> <u>ACT/015/015; Emery County</u>			
		Section of State Law, Regulation or Permit Condition believed to have been violated:	
NATURE OF VIOLATION AND LOCATION: _____			

		Section of State Law, Regulation or Permit Condition believed to have been violated:	
NATURE OF VIOLATION AND LOCATION: _____			

		Section of State Law, Regulation or Permit Condition believed to have been violated:	
NATURE OF VIOLATION AND LOCATION: _____			

		Section of State Law, Regulation or Permit Condition believed to have been violated:	
Remarks or Recommendations: _____			
<u>P 079 749 565, 9/3/93</u>			
<u>P 079 749 492, 9/3/93</u>			
Date of Notice: <u>SEPT. 3, 1993</u> <u>P 079 749 497, 9/3/93</u> <u>P 079 749 566</u>		Signature of Authorized Rep: <u>Henry P. Austin</u> Print Name and ID: <u>Henry P. Austin, #116</u>	

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement TEN-DAY NOTICE		Originating Office: USDI/OSM Albuquerque Field Office 505 Marquette Ave, NW, Suite 1200 Albuquerque, NM 87102 Telephone Number: (505) 766-1486	
Number: <u>X - 93 - 02 - 116 - 001</u> TV <u>1</u>			
Ten-Day Notice to the State of <u>UTAH</u>			
You are notified that, as a result of <u>a Citizen's Complaint</u> (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this notice to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.			
Permittee: <u>See continuation page</u> <small>(Or Operator if No Permit)</small>		County: _____	
Mailing Address: _____		<input type="checkbox"/> Surface <input checked="" type="checkbox"/> Underground <input type="checkbox"/> Other _____	
Permit Number: _____ Mine Name: _____			
NATURE OF VIOLATION AND LOCATION: <u>This TDN transmits the enclosed Citizen Complaint from Walton D. Morris, Jr., to the Office of Surface Mining (OSM).</u>			
As a result of the complaint, OSM has reason to believe that Coastal States			
		Section of State Law, Regulation or Permit Condition believed to have been violated:	
NATURE OF VIOLATION AND LOCATION: <u>Energy Company, and Consolidation Coal Company, and their affiliates have failed to disclose presumed ownership or control relationships with Virginia Iron Coal and Coke; and Island</u>			
		Section of State Law, Regulation or Permit Condition believed to have been violated:	
NATURE OF VIOLATION AND LOCATION: <u>Creek Coal Company respectively. We believe that this failure to disclose ownership and control relationships is a violation of Utah's approved program. Therefore, we are issuing</u>			
		Section of State Law, Regulation or Permit Condition believed to have been violated:	
Remarks or Recommendations: <u>See continuation page for companies/permits affected.</u>			
P 079 749 565, 9/3/93			
P 079 749 492, 9/3/93			
Date of Notice: <u>SEPT. 3, 1993</u> P 079 749 497, 9/3/93 P 079 749 566, 9/3/93		Signature of Authorized Rep.: <u>Henry P. Austin</u> Print Name and ID: <u>Henry P. Austin, #116</u>	

U. S. DEPT. OF THE INTERIOR

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Mine-Site Evaluation Inspection Report

Permit Number UT-007-005

Inspection Date 09/02/93

29. Identified Violation Data.

For inspection types C (Complete Random Sample) and SC or SP (Complete or Partial In-depth Review), list all violations present during the current Federal inspection and all violations, cited or uncited, identified in the last State complete inspection report. For any other inspection type, including Federal program inspections, list only violations observed during the current inspection or subject of current Federal follow-up actions.

B Per. Std. Category	C Abated (Y/N)	D State Action	E Reason if Uncited	F Cause	G Seriousness		H Impact	I OSM Action	J OSM Action Number	K Optional	
					PEO	Impact					
A. Specific State Law/Regulations Violated: <u>R-645-301-112 & 113</u> Description: <u>FAIL TO PROVIDE ID. OF INTERESTS & VIOLATI</u>											
1	<input checked="" type="checkbox"/> A5	<input checked="" type="checkbox"/> N	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> 4	<input checked="" type="checkbox"/> 3	<input checked="" type="checkbox"/> 9	<input checked="" type="checkbox"/> 2	X93-020-116-001	V# 01	<input type="checkbox"/>
2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		V# 	<input type="checkbox"/>
3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		V# 	<input type="checkbox"/>
4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		V# 	<input type="checkbox"/>
5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		V# 	<input type="checkbox"/>
6	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		V# 	<input type="checkbox"/>
7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		V# 	<input type="checkbox"/>

D. State Action 1) Existed on LSCI, Cited 2) Existed on LSCI, Not Cited 3) Cited Prior to LSCI, Abatement Pending 4) Occurred Since LSCI 5) N/A Federal Program 6) N/A Permit Defect	E. State's Reason for not Citing Violation 1) Not a Violation 2) Precluded by State Policy 3) Not Included under State Program 4) Warning Given in Lieu of a Citation 5) Violation Not Recognized 6) Practice Allowed under Approved Permit 7) Too Minor to Cite 8) Working with Operator to Correct 9) Other	F. Cause 1) Permit Defect 2) Unusual Weather Conditions 3) Unofficial Waiver 4) Operator Negligence 5) Other	G. Probability of Event Occurrence 1) None or Unlikely 2) Likely 3) Occurred
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H. Impact <u>Damage Remains Within the Permit Area</u> 1) None or Minor 2) Moderate 3) Considerable <u>Damage Extends Beyond the Permit Area</u> 4) None or Minor 5) Moderate 6) Considerable <u>Obstruction to Enforcement</u> 7) None or Minor 8) Moderate 9) Considerable	I. OSM Action This Inspection 1) Deferred to State Action 2) TDN Issued 3) NOV Issued 4) FTA-CO Issued 5) IH-CO Issued (Imminent Environmental Harm) 6) ID-CO Issued (Imminent Danger to Public) 7) Previously Cited by RA, Abatement Pending 8) Abated during or before OSM Inspection 9) Follow-up of Federal Action
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30. Signature <div style="text-align: center;"> Inspector's Signature HENRY AUSTIN Inspector's Printed Name </div>	31. OSM Inspector ID# <div style="text-align: center;"> 09/02/93 116 Dated: </div>
Reviewing Official: <div style="text-align: right;"> Review Date: 8/3/93 </div>	
Page <u>2</u> of <u>2</u> <small>Revised July 1, 1993</small>	

DATE: 30 JUL 93

APPLICANT VIOLATOR SYSTEM
VIEW PERMIT INFORMATION

TIME: 13:26:46

APPLICATION NUMBER: ACT041002
APPLICATION SEQNO : 0

PERMIT NUMBER: ACT041002
STATE CODE : UT

PERMITTEE : 060111
(COASTAL STATES ENERGY CO)
STREET ADDRESS : PO BOX 1871
CITY : ROANOKE
STATE : VA

ZIP : 24008

ISSUE DATE (MM/DD/YY):	05 / 19 / 87	PREVIOUS PERMIT NUMBER :	
BOND STATUS :	A	EXPIRATION DATE (MM/DD/YY):	05 / 19 / 92
TOTAL ACRES MINED :	67.97	BOND STATUS DATE (MM/DD/YY):	/ /
MSHA IDS: 4200089		BOND AMOUNT :	1172000

F2/VIEW OPR-CONTR-MOWN F3/QUIT F4/MAIN MENU

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13:27

ATE: 30 JUL 93

APPLICANT VIOLATOR SYSTEM
VIEW PERMIT INFORMATION

TIME: 13:26:46

APPLICATION NUMBER: ACT007005
APPLICATION SEQNO : 0

PERMIT NUMBER: ACT007005
STATE CODE : UT

PERMITTEE : 060111
(COASTAL STATES ENERGY CO)
STREET ADDRESS : PO BOX 1871
CITY : ROANOKE
STATE : VA

ZIP : 24008

ISSUE DATE (MM/DD/YY):	12 / 01 / 89	PREVIOUS PERMIT NUMBER :	
BOND STATUS :	A	EXPIRATION DATE (MM/DD/YY):	04 / 30 / 92
TOTAL ACRES MINED :	62.12	BOND STATUS DATE (MM/DD/YY):	/ /
MSHA IDS: 4201435		BOND AMOUNT :	2652000

F2/VIEW OPR-CONTR-MOWN F3/QUIT F4/MAIN MENU

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Island Creek Coal Company

Permittee	Permit Number	State
Island Creek Coal	6545006	KY
Island Creek Coal	7135000	KY
Island Creek Coal	7135001	KY
Consolidation Coal of Ky	8605147	KY
Consolidation Coal of Ky	4138004	KY
Consolidation Coal of Ky	8130174	KY
Consolidation Coal of Ky	8605154	KY
Consolidation Coal of Ky	8605148	KY
Consolidation Coal of Ky	8600312	KY
Consolidation Coal of Ky	8130184	KY
Consolidation Coal of Ky	8130186	KY
Island Creek Coal	U506588	WV
Island Creek Coal	U401189	WV
Island Creek Coal	U504388	WV
Island Creek Coal	U022283	WV
Island Creek Coal	U003000	WV
Island Creek Coal	S506288	WV
Island Creek Coal	U509188	WV
Island Creek Coal	U506388	WV
Island Creek Coal	U301291	WV
Island Creek Coal	U506088	WV
Island Creek Coal	S502889	WV
Island Creek Coal	U401289	WV
Island Creek Coal	E010000	WV
Island Creek Coal	U003185	WV
Island Creek Coal	U503591	WV
Island Creek Coal	U503691	WV
Island Creek Coal	U506188	WV
Island Creek Coal	U503491	WV
Island Creek Coal	U013983	WV
Laurel Run Mining Co	S402590	WV
Pay Bra Mining Co Inc	U402088	WV
Pay Bra Mining Co Inc	U017383	WV
Twin Branch Coal Co	S504189	WV
Twin Branch Coal Co	U102591	WV
Consolidation Coal Co	U011983	WV
Consolidation Coal Co	U010483	WV
Consolidation Coal Co	U302489	WV
Consolidation Coal Co	D004081	WV
Consolidation Coal Co	S007282	WV
Consolidation Coal Co	U008383	WV
Consolidation Coal Co	U020983	WV
Consolidation Coal Co	U013000	WV
Consolidation Coal Co	U007883	WV
Consolidation Coal Co	U007083	WV
Consolidation Coal Co	U005383	WV

Consolidation Coal Co
Consolidation Coal Co
Consolidation Coal Co
Fremont Coal Co
McElroy Coal Co
McElroy Coal Co

S014278
U019183
U004684
U503886
U102692
U003383

WV
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WV
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WV

Consol Pennsylvania Coal Co
Enlow Fork Mining Co
Consolidation Coal Co

30841316
30841317
30841313

PA
PA
PA

Consolidation Coal Co

ACT015015

UT

Consolidation Coal Co
Consolidation Coal Co
Consolidation Coal Co

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73

IL
IL
IL

Island Creek Coal
Island Creek Coal
Island Creek Coal
Consolidation Coal Co
Consolidation Coal Co
Consolidation Coal Co
Consolidation Coal Co

1400498
1400496
1400492
1400047
1201267
1301107
1202325

VA
VA
VA
VA
VA
VA
VA

Quarto Mining Co
Consolidation Coal Co

D0433
D0784

OH
OH

505 7662609

09/07/93 16:27

505 7662609

OSM ALBUQ FO

009

TIME: 09:37:35

APPLICANT VIOLATOR SYSTEM
VIEW PERMIT INFORMATION

DATE: 03 AUG 93

APPLICATION NUMBER: ACT015015
APPLICATION SEQNO : 0

PERMIT NUMBER: ACT015015
STATE CODE : UT

PERMITTEE : 107373

(CONSOLIDATION COAL CO)

STREET ADDRESS : 1800 WASHINGTON RD

CITY : PITTSBURGH

STATE : PA

ZIP : 15241

ISSUE DATE (MM/DD/YY): 01 / 08 / 91
BOND STATUS : A
TOTAL ACRES MINED : 247
MSHA IDS: 4200079

PREVIOUS PERMIT NUMBER :
EXPIRATION DATE (MM/DD/YY): 01 / 07 / 96
BOND STATUS DATE(MM/DD/YY): / /
BOND AMOUNT : 3454443

F2/VIEW OPR-CONTR-MOWN F3/QUIT F4/MAIN MENU

09 38

± usgs A

WALTON D. MORRIS, JR.

Attorney-at-Law
Post Office Box 6804
Charlottesville, Virginia 22906
(804) 973-7229

May 1, 1993

William J. Kovacic, Field Office Director
Office of Surface Mining Reclamation and Enforcement
United States Department of the Interior
340 Legion Drive, Suite 28
Lexington, Kentucky 40504

Re: Re-Evaluation of Permit Disclosure Allegations in
Citizens' Complaints Concerning Island Creek Coal
Company, National Mines Corporation, Virginia Iron, Coal
& Coke Company, and Wheelwright Mining, Inc.

Dear Mr. Kovacic:

On behalf of the Kentucky Resources Council or the National Wildlife Federation (collectively "the Complainants") or both, we have filed citizens complaints which allege that each of the corporations listed above, or entities related to those corporations through common ownership and control, have violated the Surface Mining Act and applicable state programs by failing to disclose their ownership or control of one or more specifically identified contract operators. Over the past few weeks we have received responses from you and informal review decisions from Nina Rose Hatfield which construe the Complainant's allegations of permit disclosure violations to question only those new permit applications, applications for major permit revisions, or permit renewal applications filed by the named corporation itself with the state regulatory authority for Kentucky.

1 On August 3, 1992, the Complainants filed citizens complaints against National Mines Corporation concerning operations conducted by JOS Coal, Inc., W&C Coal Co., and G,S&M Coal Company, Inc. On August 19, 1992, the Complainants filed a citizens' complaint against Virginia Iron, Coal & Coke Company concerning operations conducted by E&B Energy, Inc. On November 17 and 18, 1992, the Complainants filed citizens' complaints against Island Creek Coal Company concerning operations conducted by Elm Coal, Inc., Allen & Newson Coal Co., Inc., Bruce Branch Coal Co., Inc., Ashley Mining, Inc., and West Fork Coal Company, Inc. On November 20, 1992, the Complainants filed citizens' complaints against Wheelwright Mining, Inc., concerning operations conducted by Twin Oaks Construction Co., Inc., Danny Johnson, Star Lite Mining Co., Blue Branch Construction Co., Inc., and Maple Leaf Mining, Inc.

Post-It™ brand fax transmittal memo 7671		# of pages	9
To	Lewell Braxton		
From	D. GRIFFIN		
Co.	UTAH DOGM		
Co.	AFO-OSM		
Dept.	Phone #		
Fax #	Fax #		

Mr. William J. Kovacic
May 1, 1993
Page 2

Please accept this as formal clarification that the Complainants intend each of these complaints to call to OSM's attention permit disclosure violations committed by the named corporation or any related entity with respect to any document any of them have filed in response to any regulatory requirement for disclosure of related entities. Moreover, the Complainants' allegations are intended to question any submission by these corporations and their related entities, regardless of whether the document was filed in Kentucky or any other State.

The Complainants have reviewed the citizens' complaints filed in each instance, and they believe that each complaint defines the scope of the permit disclosure allegation as described above. Nevertheless, to the extent that you have construed any or all of the citizens' complaints to define a more limited scope for the permit disclosure allegation in each, please accept this letter as an amendment of each citizens' complaint to define the permit disclosure allegation to extend to violations committed by the named corporation or any related entity with respect to any document any of them have filed in response to any regulatory requirement for disclosure of related entities, regardless of whether the document was filed in Kentucky or any other State.

In light of this amendment, please re-evaluate each of the citizens' complaints described above and either (1) issue new or amended ten-day notices or cause your colleagues in other field offices to issue appropriate ten-day notices or both, followed by federal inspection and enforcement action as appropriate, or (2) issue a decision refusing to take some or all of such actions, explaining your basis for any such refusal. The Complainants have the right to file a single citizens' complaint with any appropriate OSM Field Office regarding permit disclosure violations which have occurred anywhere in the United States. Under the federal surface mining regulations, it is the duty of any OSM Field Office which receives such a complaint to co-ordinate the agency's complete response to permit disclosure allegations by involving the Applicant/Violator System Office and any other field offices whose actions may be necessary to address the alleged violation on a nationwide basis. Nothing in 30 C.F.R. §§842.11 or 842.12 suggests a geographical limitation on the scope of citizens' complaints, and the Complainants accordingly recognize no such limitation.

Please respond to this letter within the time allowed by the federal regulations, and please provide Complainants' counsel with copies of all actions which you or any other OSM office takes in response to this amendment. Thank you for your consideration of

Mr. William J. Kovacic
May 1, 1993
Page 3

the amendment described in this letter and for any assistance you
or your staff may provide.

Sincerely,

Walton D. Morris, Jr.
Walton D. Morris, Jr.

L. Thomas Galloway by WDM
L. Thomas Galloway
Galloway & Associates
1835 K Street, N.W. — Suite 801
Washington, D.C. 20006
(202) 833-9084

Thomas J. Fitzgerald by WDM
Thomas J. Fitzgerald
Attorney at Law
Post Office Box 1070
Frankfort, Kentucky 40602
(502) 875-2428

Virginia Iron Coal and Coke Company

Permittee	Permit Number	State
Enterprise Coal Co.	8670342	KY
Enterprise Coal Co.	8675100	KY
Enterprise Coal Co.	8675109	KY
Enterprise Coal Co.	8675146	KY
Enterprise Coal Co.	8675157	KY
Enterprise Coal Co.	8985585	KY
Kingwood Coal Company	D003982	WV
Kingwood Coal Company	D008282T1	WV
Kingwood Coal Company	U101089T	WV
Kingwood Coal Company	U101492	WV
Birmingham Coal Company	S006877	WV
Birmingham Coal Company	S302989	WV
Brooks Run Coal Company	U101991	WV
Grafton Coal Company	S101790	WV
Grafton Coal Company	S102690	WV
Greenbrier Coal Company	S013878	WV
Greenbrier Coal Company	S013978	WV
Greenbrier Coal Company	S302291	WV
Coastal States Energy Co.	ACT041002	UT
Coastal States Energy Co.	ACT007005	UT
Virginia Iron Coal & Coke	1101396	VA
Virginia Iron Coal & Coke	1101397	VA
Virginia Iron Coal & Coke	1201322	VA
Virginia Iron Coal & Coke	1201454	VA
Virginia Iron Coal & Coke	1201459	VA
Virginia City Coal Co.	1200763	VA